

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MELVIN C. LEWIS,

Plaintiff,

-against-

9:08-CV-148
(LEK/DEP)

P. HEALY, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on October 29, 2008, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 32).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Peebles' Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 32) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the Order granting Plaintiff in forma pauperis status (Dkt. No. 4) is **VACATED**; and it is further

ORDERED, that Defendants' Motion to dismiss Plaintiff's Complaint (Dkt. No. 21) is **GRANTED** as to all Defendants and all claims unless Lewis pays the full required filing fee of \$350 **within thirty (30) days** from the date of this Order; and it is further

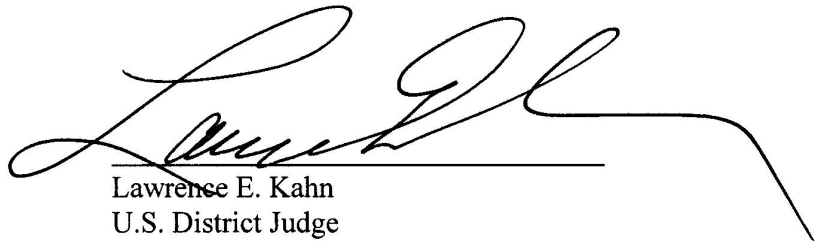
ORDERED, that the requirement that Defendants answer Plaintiff's Complaint is **STAYED** indefinitely pending final resolution of the IFP issue raised in their motion; and it is further

ORDERED, that Plaintiff's Motion to amend the Complaint (Dkt. No. 25) is **DENIED**, **without prejudice** to its renewal in the event that the required filing fee is paid; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: December 08, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge